

**S.B. CIVIL WRIT PETITION NO.5734/2005.**

Ganesh Lal Kumawat

Vs.

The State of Rajasthan &amp; Ors.

Date of Order :: 20<sup>th</sup> August 2007.**HON'BLE MR. JUSTICE DINESH MAHESHWARI**

Mr. A.K. Rajvanshy, for the petitioner.

Mr. O.P.Boob, Addl.G.A. ]

Mr. A.K. Rajvanshy ], for the respondents.

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Learned counsel for the parties are ad idem that a similar writ petition, being S.B. Civil Writ Petition No.5743/2005 (Savitri Goswami Vs. State of Rajasthan & Ors.), questioning similar kind of show cause notice as questioned in this writ petition has already been disposed of by this Court with the observations that it will be open for the petitioner to appear before the District Education Officer and put her case.

Learned counsel for the petitioner has placed for perusal the order passed in the said writ petition No.5743/2005 on 18.01.2007 wherein this Court has observed and ordered thus:

“By the instant writ petition, the notice Annex.3 dated 5.9.2005 has been challenged by the petitioner.

Heard learned counsel for the parties.

Learned counsel appearing for the non-petitioners submit that the degrees obtained from various Universities of the Bihar more particularly Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura (Bihar) have been cancelled by the concerned University itself and those who acquired the decrees from those Universities and on that basis obtained employment, their services have been terminated and against the order of termination, some of the persons filed writ petitions before this Court. Those writ petitions came to be dismissed by this Court and against the orders of learned Single Judge, D.B. Civil Special Appeal Nos. 172/04 and 153/04 were filed. By order dated 11.8.2006, the special appeals have also been dismissed by the Division Bench of this Court.

Learned counsel for the petitioner submits that decisions of the Universities were challenged before the Patna High Court and some order has been passed therein.

At any rate, by Annex.3, the petitioner has only been issued notice to appear before the District Education Officer (Elementary Education), Rajsamand within a month and put her case as to whether the University from which she obtained the decree is valid or not. Thus, no adverse order has been passed. It is open for the petitioner to appear before the District Education Officer and put her case.

With these observations, the writ petition stands disposed of. Interim order dated 26.9.2005 stands vacated and stay petition also stands disposed of. No order as to costs."

In the present matter too, the petitioner has approached this Court only against similar show-cause notice

dated 05.09.2005 (Annex.3) though it was always open for the petitioner to have replied to the said notice and clarified his position. There does not appear any reason to entertain this writ petition against show-cause notice. The writ petition is, therefore, dismissed.

However, it shall be open for the petitioner to submit reply to the said show-cause notice and put his case before the authority concerned.

The interim order dated 26.09.2005 stands vacated and the stay petition also stands disposed of. No costs.

**(DINESH MAHESHWARI), J.**

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